

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JANIE SAMUEL,
AS ADMINISTRATOR OF
THE ESTATE OF
CATHY LYNN TUBBS, et al.,

Plaintiffs,

-vs-

STEVEN M. HOOG, et al.,

Defendants.

:
: Case No. C-1-02-378
:
: Judge Michael R. Barrett
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: **MOTION FOR EXTENSION OF**
: **TIME TO SUBMIT EXPERT**
: **IDENTIFICATIONS AND REPORTS**

Plaintiff, Janie Samuel, moves for an order modifying the scheduling order in order to allow for an extension of time for both Plaintiff and Defendants to submit expert identifications and reports. A memorandum in support is attached hereto and incorporated herein. A proposed Order will be sent to the Court's general e-mail address at barrett_chambers@ohsd.uscourts.gov for the Court's consideration.

Respectfully submitted,

s/ Barbara Bison Jacobson

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Trial Attorney for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JANIE SAMUEL,	:	
AS ADMINISTRATOR OF	:	Case No. C-1-02-378
THE ESTATE OF	:	
CATHY LYNN TUBBS, et al.,	:	Judge Michael R. Barrett
	:	
Plaintiffs,	:	
	:	
-vs-	:	
	:	
STEVEN M. HOOG, et al.,	:	<u>MEMORANDUM IN SUPPORT OF</u>
	:	<u>MOTION FOR EXTENSION OF TIME</u>
Defendants.	:	<u>TO SUBMIT EXPERT</u>
	:	<u>IDENTIFICATIONS AND REPORTS</u>

This case involves a civil rights claim against two individuals who are employees of the City of Cincinnati Fire Department. Discovery did not commence because of the sovereign immunity defense. The trial court ruled that such defense was inapplicable, and the appeal to the Sixth Circuit was dismissed. Thereafter, depositions of the three parties to the case, along with six (6) additional witnesses were taken in June and August, 2006.

Although substantial progress has been made in deposition discovery, the paper discovery has taken some additional time. Plaintiff requested paper discovery of certain fire department documents from the City of Cincinnati. Additional time was agreed for the City to provide such documents. The undersigned has been advised that these documents will be available for review on Thursday, February 1, 2007.

Following review of these documents, it is anticipated that additional depositions will need to be taken to complete discovery.

Therefore, Plaintiff, Janie Samuel, hereby moves for an order modifying the scheduling order in order to allow for an extension of time for both Plaintiff and Defendants to

submit expert identifications and reports. We request that we report back to the court within thirty days with a status report on the additional time needed for discovery, after the documents have been reviewed. At that time, we will be able to provide the Court with the information necessary.

Respectfully submitted,

s/ Barbara Bison Jacobson

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Trial Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on January 30, 2007, I electronically filed the foregoing with the Clerk of Court using the CM/ECF which will send notification of such filing to Peter J. Stackpole, Esq., City of Cincinnati Solicitor's Office, 801 Plum Street, Room 214, Cincinnati, OH 45202; and Kimberly A. Rutowski, Esq., Hardin Lefton Lazarus & Marks LLC, 30 Garfield Place, Suite 915, Cincinnati, OH 45202.

s/ Barbara Bison Jacobson

Barbara Bison Jacobson